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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,771	10/23/2002	David J. Stevens	D-43368-01	9664

7590
Cryovac Inc
PO Box 464
Duncan, SC 29334

EXAMINER

SIPOS, JOHN

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/070,771

Applicant(s)

STEVENS, DAVID J.

Examiner

John Sipos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____ .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DRAWINGS

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the same reference characters are used to designate different elements throughout the drawings. For example, character "C" refers in Figure 1.1 to a calendaring zone, to a back layer in Figures 2.1 and 2.2, to a point in Figure 3.1, to an unfolding device in Figure 4.1, a material in Figure 5.1. The other characters are similarly used for more than one element in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

REJECTIONS OF CLAIMS BASED ON PRIOR ART

The following is a quotation of the appropriate paragraphs of 35 U.S.C. ' 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1,7 and 9 are rejected under **35 U.S.C. ' 102(b)** as being clearly anticipated by the patent to Reichel (2,757,495). The patent to Reichel shows a packaging process and apparatus comprising the feeding of a tubing to a slitting mechanism 58 for longitudinally slitting the tube, an unfolding means 62 for forming the slit tube into a flat web, calendering rolls 63 to feed the web, former 73 for forming the web around a product, longitudinal sealing mechanism 78 for sealing the longitudinal edges of the web and a mechanism for transversely sealing the ends of the package. Note that Reichel incorporates by reference the patent to Conti (2,686,128).

The following is a quotation of 35 U.S.C. ' 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6,8 and 10- 15 are rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Reichel (2,757,495). The vacuum packaging of articles (claim 2), tracking with sensors the web and the products (claims 4,13 and 15), cutting edges of the web 9 (claims 5 and 12), impulse sealing (claims 6 and 11) are well known in the packaging art and would have been obvious modification for their inherent benefits.

Claims 1-15 are rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Saito (4,947,623) in view of Schroder (4,844,762) or Piltz (4,813,208) or Buchner (4,627,221) or Dyer (3,342,657). The patent top Saito shows a packaging

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process comprising the calendering rolls 3c to feed a web, mechanism 2 for feeding a product to the web, former 3e for forming the web around a product, sealing mechanism 3f for sealing the longitudinal edges of the web and a mechanism 4 for transversely sealing the ends of the package. The Saito operation lacks the use of a tube for the initial wrapping web. The secondary references all teach the concept of feeding of a tubing to a slitting mechanism for longitudinally slitting the tube and an unfolding means for forming the slit tube into a flat web for subsequent use in a packaging operation. It would have been obvious to one skilled in the art to form the web of Saito from a tube as shown by any of the secondary references to ease the formation of the web and to maintain the interior clean.

The vacuum packaging of articles (claim 2), tracking with sensors the web and the products (claims 4,13 and 15), cutting edges of the web 9 (claims 5 and 12), impulse sealing (claims 6 and 11) are well known in the packaging art and would have been obvious modification for their inherent benefits.

ADDITIONAL REFERENCES CITED

The following prior art is made of record but has not been relied upon in the rejection of claims. However, the prior art is considered pertinent to applicant's disclosure.

The patent to Simons shows cutting off of the edges of a web.

The patent to James shows the tracking and positioning of a film in a packaging machine.


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Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **(703) 308-1882**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

The **FAX** number for Group 3700 of the Patent and Trademark Office is **(703) 872-9306**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703) 308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-1148.


John Sipos
Primary Examiner
Art Unit 3721

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